

REMARKS

Favorable reconsideration of this patent application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-6,9,14,16,17, and 25 have been rejected as being unpatentable over Podd et al. in view of Mundinger et al. under 35 USC 103; Claims 2-6,9,14,16,17, and 25 have been rejected as being unpatentable over Podd et al. in view of Mundinger under 35 USC 103; Claim 11 has been rejected as being unpatentable over Podd et al. in view of Mundinger et al. and Seaman under 35 USC 103; Claim 11 has been rejected as being unpatentable over Podd et al. in view of Mundinger and Seaman under 35 USC 103; Claims 12 and 13 have been rejected as being unpatentable over Podd et al. in view of Mundinger et al. and Nelligan under 35 USC 103; and Claims 12 and 13 have been rejected as being unpatentable over Podd et

al. in view of Mundinger and Nelligan under 35 USC 103. Claim 25 has been cancelled, new Claim 27 has been inserted, and consequently, Claims 2-23 and 27 are now active in this patent application.

It is firstly noted to the examiner that Claim 27 is similar to previously presented Claim 25 except for the fact that the language of the claim dealing with the vacuum discharge tube member has been reworded for clarity and grammatical purposes as well as to better emphasize the operation of the structural combination of the claimed system.

Secondly, it is respectfully noted to the examiner that Claim 27, which is, in effect, previously presented Claim 25, recites the fact that vacuum discharge tube member is disposed within the bulk material cargo container liner, and that an inflatable air bag component is operatively associated with the bulk material cargo container liner such that when the inflatable air bag component is inflated, it will

force the bulk material disposed within the bulk material cargo container liner to be moved toward the vacuum discharge tube member so as to effectively be evacuated or discharged from the bulk material cargo container liner without the need for the bulk material cargo container liner to be tilted. This combination of structure is respectfully submitted to be lacking within any of the prior art, and it is respectfully submitted that there are no teachings within the prior art which would motivate one to combine any of the teachings of the prior art in order to render obvious the claimed invention.

More particularly, Podd et al. is does not teach the use of any vacuum discharge at all, and in fact, requires the tilting of the bulk material cargo container as disclosed within **FIGURE 3**. In addition, the inflatable structure causes the bulk material to move forwardly toward the discharge tube 104 and not transversely as is the case of the present invention. While Mundinger and Mundinger et al. disclose the use of pneumatic discharges, they do not accomplish the same by inflatable means. In addition, there would be no way to com-

bine the teachings of Mundinger or Mundinger et al. with those of Podd et al. because if the systems of Mundinger or Mundinger et al. were somehow incorporated into Podd et al., the entire system of Podd et al. would be structurally altered so as to operate in an entirely different manner, which is not permitted in accordance with current patent practice. In other words, the combination of such prior art would not simply comprise a mere substitution of parts but a fundamental structural change in the Podd et al. system. Similar arguments are appropriate with respect to Nelligan and Seaman. While both Nelligan and Seaman admittedly employ inflatable means for moving bulk material toward a discharge port, neither reference utilizes vacuum discharge means, and the discharge of the material is in the longitudinal direction, not the transverse direction toward a longitudinally oriented vacuum discharge means as is characteristic of the present invention.


It is also noted that Claim 14 has been amended as required by the examiner.

It is lastly noted that a new Abstract is attached hereto as also required by the examiner.

In light of the foregoing, it is submitted that the claims of this patent application therefore define over all of the prior art of record and therefore this patent application is now in condition for allowance. An early and favorable action is now anticipated and awaited.

It is also noted that this response is being filed within a period of three (3) months beyond the normal response due date, and therefore, payment in the amount of \$1050.00 for a three (3) month extension of time, which is hereby respectfully requested, is attached hereto.

Respectfully Submitted,
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